

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Kristi Ann Webb,

Civil No. 13-1491 (DWF/SER)

Plaintiff,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

Carolyn W. Colvin,
Acting Commissioner of Social Security,

Defendant.

This matter is before the Court upon Plaintiff Kristi Ann Webb's ("Plaintiff") objections (Doc. No. 20) to Magistrate Judge Steven E. Rau's April 16, 2014 Report and Recommendation ("R&R") (Doc. No. 18) insofar as it recommends that: (1) Plaintiff's Motion for Summary Judgment be denied; and (2) Defendant Carolyn W. Colvin, Acting Commissioner of Social Security's ("Defendant") Motion for Summary Judgment be granted. On April 23, 2014, Defendant filed a Non-Objection Response to the R&R. (Doc. No. 19.) On May 8, 2014, Defendant filed a Response to Plaintiff's objections. (Doc. No. 21.)

The Court has conducted a *de novo* review of the record, including a review of the arguments and submissions of counsel, pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 72.2(b). The factual background for the above-entitled matter is clearly and precisely set forth in the R&R and is incorporated by reference for purposes of Plaintiff's

objections. Having carefully reviewed the record, the Court concludes that Plaintiff's objections offer no basis for departure from the Report and Recommendation.

Plaintiff initiated this action seeking judicial review of Defendant's denial of her application for Social Security disability benefits. (*See generally* Doc. No. 1, Compl.) Plaintiff generally objects to the Magistrate Judge's recommendation that her motion for summary judgment be denied and Defendant's motion for summary judgment be granted. (*See generally* Doc. No. 20.) In particular, Plaintiff maintains that: (1) supplemental physician opinion evidence, submitted to the Appeals Council after her administrative hearing, supports her claim; (2) the ALJ developed her own medical theory; and (3) the ALJ failed to accord proper weight to the opinions of medical experts, including Plaintiff's treating physicians. (*See id.* at 1-7.) It appears from the R&R that the Magistrate Judge reviewed all of the evidence in question, and, having independently considered the same, the undersigned agrees with the Magistrate Judge's determination of the issues raised by the parties' cross-motions for summary judgment. (*See generally* Doc. No. 18.) The Court thus concludes, as did Magistrate Judge Rau, that Defendant is entitled to summary judgment in this matter. Consequently, the Court grants Defendant's motion and denies Plaintiff's motion.

Based upon the *de novo* review of the record and all of the arguments and submissions of the parties, and the Court being otherwise duly advised in the premises, the Court hereby enters the following:

ORDER

1. Plaintiff's objections (Doc. No. [20]) to Magistrate Judge Steven E. Rau's April 16, 2014 Report and Recommendation are **OVERRULED**.

2. Magistrate Judge Steven E. Rau's April 16, 2014 Report and Recommendation (Doc. No. [18]) is **ADOPTED**.

3. Plaintiff's Motion for Summary Judgment (Doc. No. [10]) is **DENIED**.

4. Defendant's Motion for Summary Judgment (Doc. No. [12]) is **GRANTED**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: September 18, 2014

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge